

IN RE: PETITION FOR SPECIAL HEARING  
S/S Osborne Road, 3730' E of  
Old Hanover Road  
(4403 Osborne Road)  
4th Election District  
3rd Councilmanic District  
Errol Ecker, et al  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-465-SPH

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the Legal Owners of the subject property, William F. Fanning, Ruth K. Fanning, and their son, Errol Ecker. The Petitioners request approval of the non-density transfer of 8.27604 acres, more or less, zoned R.C. 2, to an existing, improved 3.0232 acre lot to create an 11.29924 acre lot, identified as Lots 2 and 2A, respectively, on the site plan submitted and identified herein as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were William and Ruth Fanning, and their son, Errol Ecker. There were no Protestants.

Testimony indicated that the subject property, known as 4403 Osborne Road, is part of a farm originally owned by the Petitioner and his family. In 1979, the family farm was subdivided and the Petitioner, Errol Ecker, was deeded the subject 3.0232 acre lot, identified as Lot 2 on Petitioner's Exhibit 1. The property is improved with a brick and frame single family dwelling and Mr. Ecker has been residing on the property since the time of the subdivision. Testimony indicated that Mr. Ecker has also been using an adjoining 8.27604 acre tract, owned by his parents, as pasture land for his horses. Mr. & Mrs. Fanning are desirous of transferring this 8.27604 acre tract to their son, thereby creating a new Lot 2

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which would contain 11.29924 acres. The testimony and evidence presented was clear that the proposed transfer will not result in any additional density for the subject property and its purpose is for agricultural uses only.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of July, 1992 that the Petition for Special Hearing requesting approval of the non-density transfer of 8.27604 acres, more or less, zoned R.C. 2, to an existing, improved 3.0232 acre lot to create an 11.29924 acre lot, identified as Lots 2 and 2A, respectively on Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The relief granted herein is limited to the non-density transfer of 8.27604 acres to an improved 3.0232 acre lot, known as Lot 2, to create a new lot, identified as Lot 2A on Petitioner's Exhibit 1, containing 11.29924 acres total. The subject transfer will not result in any additional density units for Lot 2/2A and shall be for agricultural purposes only.

- 2 -

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3) Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Zoning Commissioner's office for review and inclusion in the case file.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 7/17/92  
By [Signature]

- 3 -

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

July 17, 1992

(410) 887-4396

Mr. Errol Ecker  
4403 Osborne Road  
Boring, Maryland 21020

RE: PETITION FOR SPECIAL HEARING  
S/S Osborne Road, 3730' E of Old Hanover Road  
(4403 Osborne Road)  
4th Election District - 3rd Councilmanic District  
Errol Ecker, et al - Petitioners  
Case No. 92-465-SPH

Dear Mr. Ecker:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Rodcliffe at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. William F. Fanning  
4601 Osborne Road, Boring, Md. 21020  
People's Counsel  
File

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

92-465-SPH

District 4th Date of Posting June 22, 1992  
Posted for: Special Hearing  
Petitioner: Errol Ecker  
Location of property: S/S Osborne Road, 3730' E of Old Hanover Road, 4403 Osborne Road  
Location of Sign: S/S Osborne Road at entrance road to subject property  
Remarks:  
Posted by: E.J. Gustin Date of return: June 24, 1992  
Number of Signs: 1

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#### CERTIFICATE OF PUBLICATION

TOWSON, MD. June 11, 1992

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 11, 1992

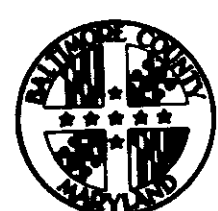
THE JEFFERSONIAN,

*S. Zake Olan*  
Publisher

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92-465SPH

# 495



### Petition for Special Hearing

to the Zoning Commissioner of Baltimore County  
for the property located at 4403 OSBORNE RD  
which is presently zoned R-C-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve:

THE NON-DENSITY TRANSFER OF 8.27604 AC.± TO AN EXISTING IMPROVED 3.0232 AC.± LOT DESIGNATED AS LOT 2 ON ATTACHED PLAT TO CREATE AN 11.29924 AC.± LOT DESIGNATED AS 2A ON ATTACHED PLAT

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lease:  
Errol Ecker  
Errol Ecker  
Errol Ecker  
Box 57, 4403 Osborne Rd  
Boring MD 21020

Legal Owner(s):  
Errol Ecker  
Errol Ecker  
Errol Ecker  
Box 57, 4403 Osborne Rd  
Boring MD 21020

Witness:  
William F. Fanning  
Ruth K. Fanning  
Collin Fanning

Signature: [Signature]  
Address: Boring MD 21020  
Phone No.: 833-8621  
Date: 7-2-92  
Signature: [Signature]  
Address: Boring MD 21020  
Phone No.: 833-8621  
Date: 7-2-92

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92-465SPH

# 495

*M. L. Snyder*  
M. L. Snyder  
3911 Hanover Pike  
Hanover, Maryland 21074  
(801) 329-7744  
Description to Accompany Zoning Petition  
Lot 2 of "The Fanning Property"  
May 19, 1992

Beginning for the same on the southern right-of-way line of Osborne Road, 3730 feet east of Old Hanover Road, and running thence,

- 1.) by a line curving to the left, with a radius of 222.59 feet, for a distance of 9.14 feet, measured along the arc which arc is subtended by a chord bearing N 40° 08' 28" E 9.14 feet,
- 2.) N 38° 57' 55" E 11.58 feet,
- 3.) S 65° 39' 13" E 629.74 feet,
- 4.) N 36° 20' 40" E 932.58 feet,
- 5.) S 43° 46' 23" E 226.08 feet,
- 6.) S 44° 37' 10" E 471.765 feet,
- 7.) S 58° 07' 36" W 149.52 feet,
- 8.) S 65° 12' 26" W 23.58 feet,
- 9.) N 86° 27' 57" W 117.08 feet,
- 10.) S 25° 41' 53" W 113.76 feet,
- 11.) S 11° 47' 28" W 66.91 feet,
- 12.) S 35° 49' 46" W 205.06 feet,
- 13.) S 17° 50' 09" W 66.91 feet,
- 14.) S 15° 10' 03" W 131.08 feet,
- 15.) N 29° 41' 29" W 271.91 feet,
- 16.) N 76° 35' 29" W 406.60 feet,

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LEGISLATION: Md. Dec. of Surveyors • W. Va. Assoc. of Land Surveyors • A.C.S.M. • G.C.A.S.S.

92-465SPH

-2-

17.) N 65° 39' 13" W 651.34 feet to the place of beginning.

Containing 11.29924 Acres of land, more or less.



*Albert L. Snyder*

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ORDER RECEIVED FOR FILING  
Date 7/2/92  
By [Signature]



Pt Ex 3

County Council of Baltimore County  
Court House, Towson, Maryland 21204  
(410) 887-3198  
Fax (410) 887-5791

Bernice L. Marley  
First District  
Marilyn G. Mink  
Second District  
Charles A. Ruppelberger, III  
Third District  
Douglas B. Ray  
Fourth District

Vince Gardina  
Fifth District  
William A. Howard, IV  
Sixth District  
Donald C. Mason  
Seventh District  
Thomas J. Peddicord, Jr.  
Eighth District  
Legislative Council Secretary

July 10, 1992

Lawrence F. Schmidt  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Schmidt:

Attached please find a copy of Resolution 53-92 concerning the public disclosure of Errol A. Ecker, an employee of the Department of Permits and Licenses. Mr. Ecker has applied for a non-density transfer of land with regard to the property located at 4403 Osbourne Road in the Third Councilmanic District.

This Resolution was unanimously approved by the County Council at its meeting on Monday, July 6, 1992 and is being forwarded to you for appropriate action.

Sincerely,

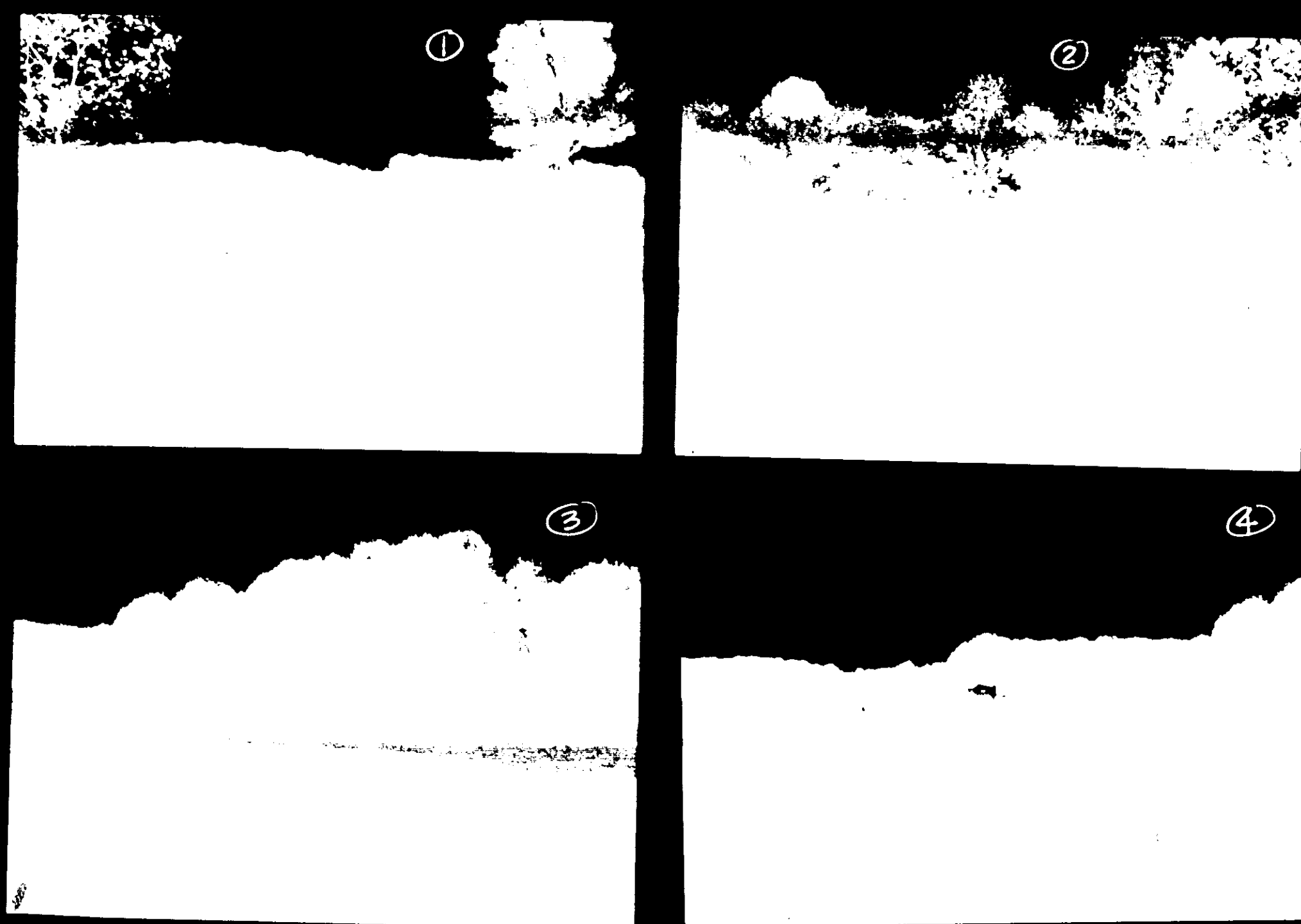
*Thomas J. Peddicord, Jr.*  
Thomas J. Peddicord, Jr.  
Legislative Council Secretary

TJP:dp  
RS392/DAPNJP  
cc: Errol A. Ecker

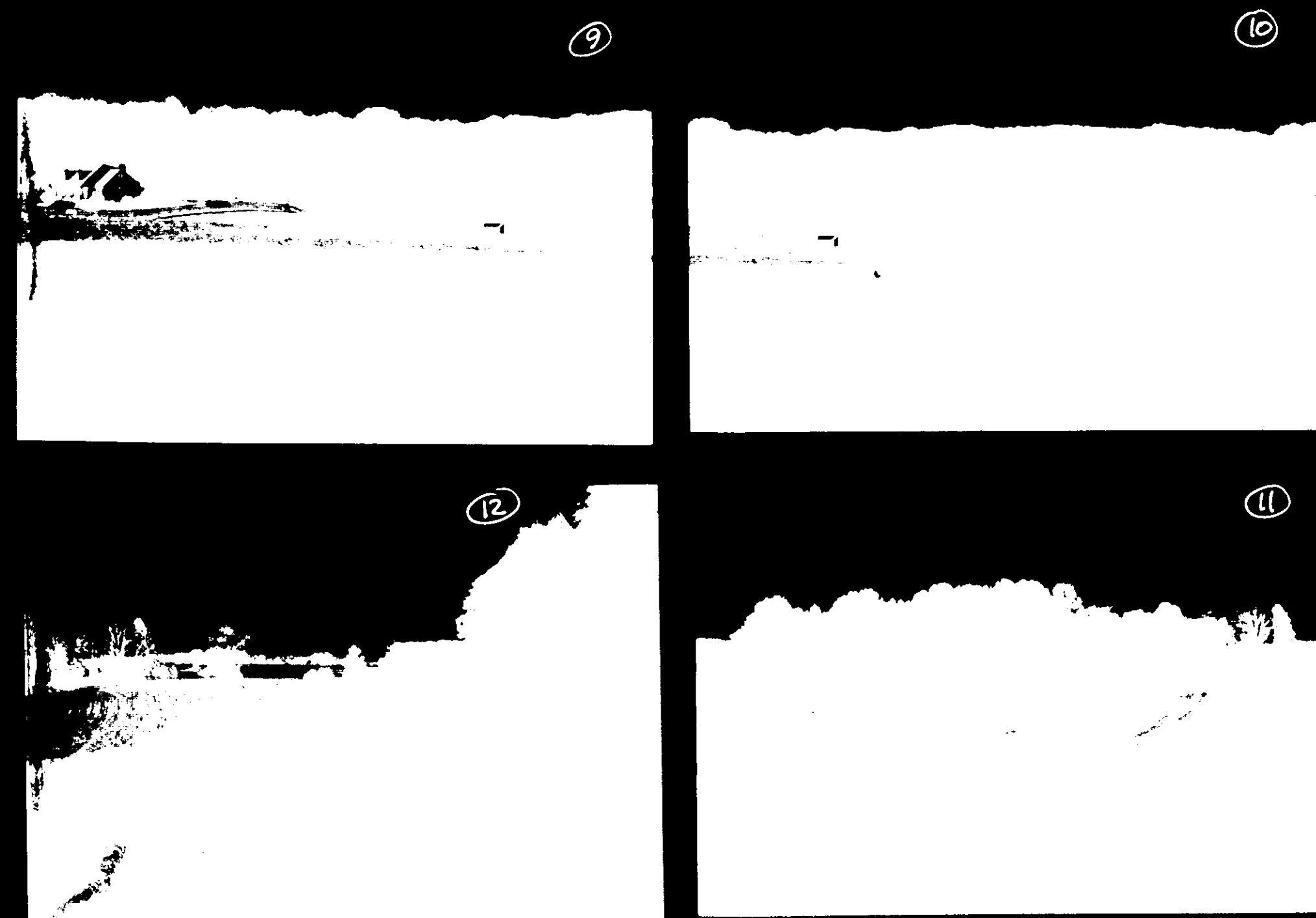
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Pt Ex 2

92-465SPH

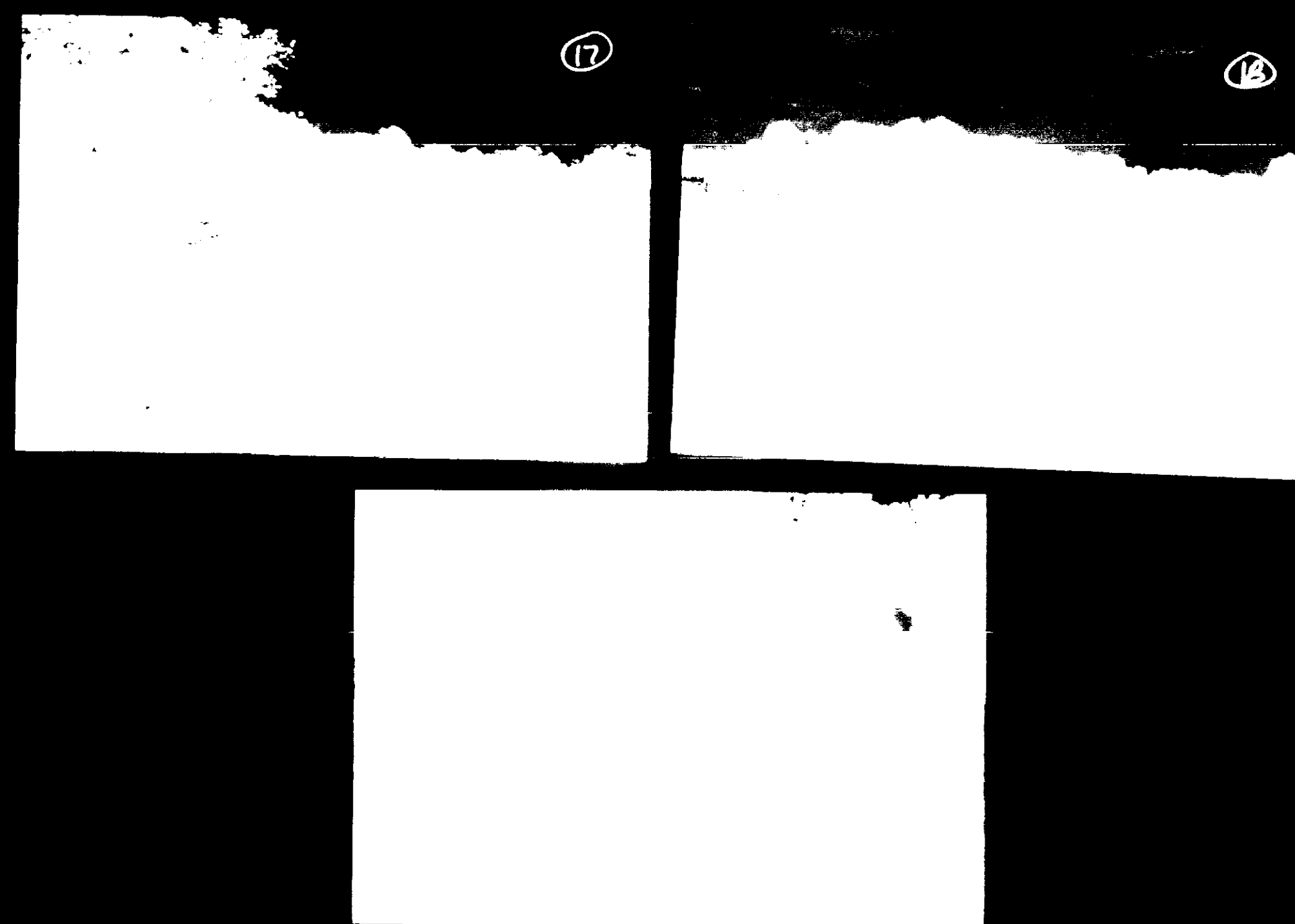


92-465SPH

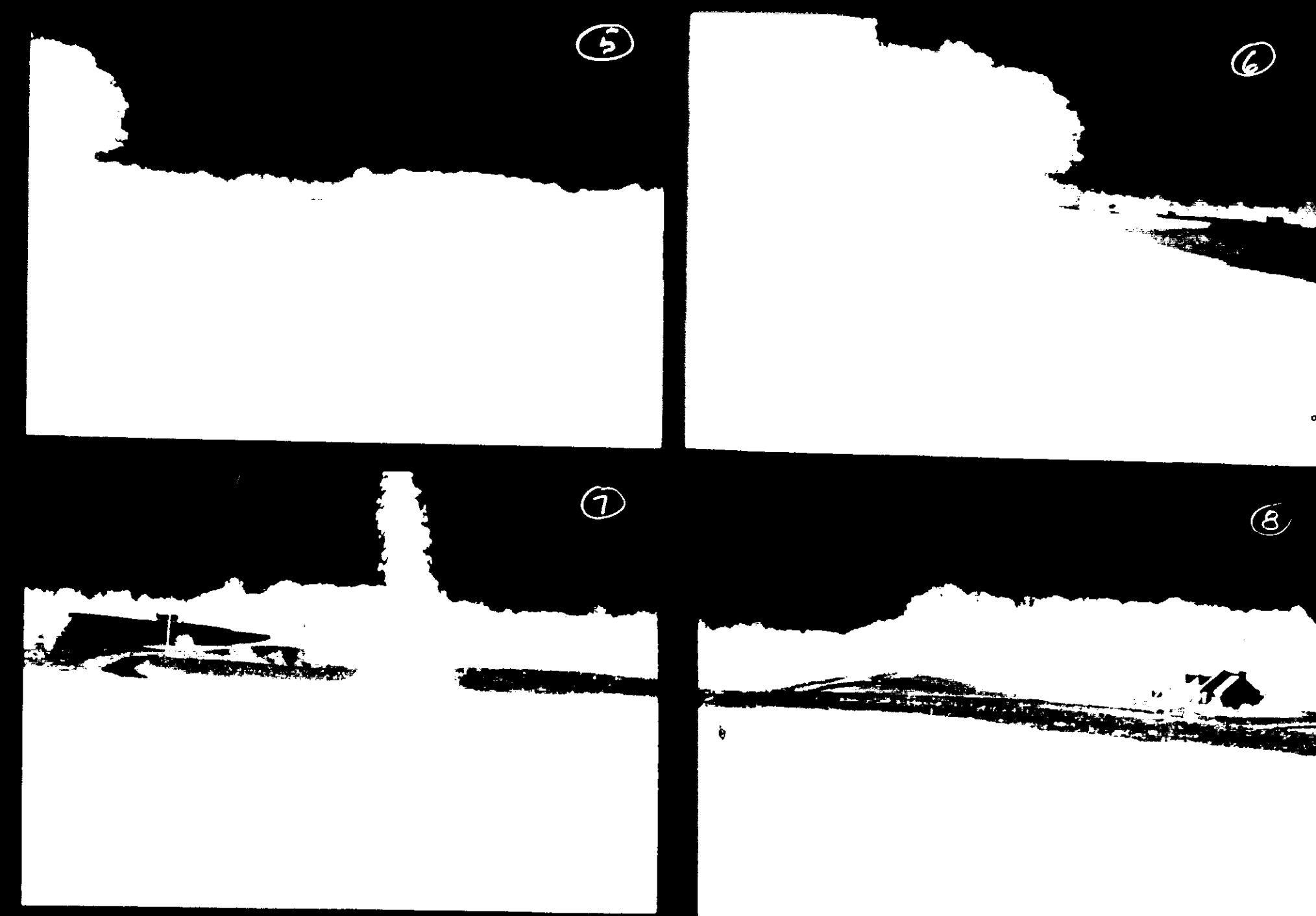


Pt Ex 2

92-465SPH



92-465SPH



92-465SPH











CC-SW

1988 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 Oct. 13, 1988  
 Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

*Del. J. L. B.*  
 Chairman, County Council

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE 1" = 200' ±	LOCATION WEST OF DOVER CHURCH	SHEET N. W. 21-1
DATE OF PHOTOGRAPHY JANUARY 1986		

# 1495  
 Hds-597h-26  
 MICROFILMED



Baltimore County  
Zoning Commission  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

5/22/92

PUBLIC HEARING FEES

QTY	PRICE
030 -SPECIAL HEARING (CRL)	1 X \$50.00
TOTAL:	\$50.00

LAST NAME OF OWNER: FANNING

Please Make Check payable to Baltimore County  
BA CO08138AND5-27-92

Cashier Validation

**MICROFILMED**

Baltimore County  
Zoning Commission  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

7/23/92

92-465

PUBLIC HEARING FEES

QTY	PRICE
080 -POSTING SIGNS / ADVERTISING 1 X	\$60.40
TOTAL:	\$60.40

LAST NAME OF OWNER: FANNING

Please Make Check payable to Baltimore County \$60.40  
BA CO10166AND7-24-92

Cashier Validation

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Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: 6-18-92

Errol Ecker  
Box 59, 4403 Osborne Road  
Boring, Maryland 21020

RE:  
CASE #92-465-SPH (Item 495)  
S/S Osborne Road, 3730' E of Old Hanover Road  
4403 Osborne Road  
4th Election District - 3rd Councilmanic  
Legal Owner of Lot #2: Errol Ecker  
Legal Owner of Lot #2B: William and Ruth Fanning  
Contract Purchaser: Errol Ecker  
HEARING: THURSDAY, JULY 16, 1992 at 10:00 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 60.40 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JABLON  
DIRECTOR

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

JUNE 5, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #92-465-SPH (Item 495)  
S/S Osborne Road, 3730' E of Old Hanover Road  
4403 Osborne Road  
4th Election District - 3rd Councilmanic  
Legal Owner of Lot #2: Errol Ecker  
Legal Owner of Lot #2B: William and Ruth Fanning  
Contract Purchaser: Errol Ecker  
HEARING: THURSDAY, JULY 16, 1992 at 10:00 a.m. in Rm. 106, Office Building.

Special hearing to approve the non-density transfer of 8.27604 acres (more or less) to an existing improved 3.0232 (more or less) acre lot, designated as Lot #2 to create an 11.29924 (more or less) acre lot designated as Lot #2B.

Lawrence E. Schmidt  
Zoning Commissioner of Baltimore County

cc: Errol Ecker  
William and Ruth Fanning

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

July 6, 1992

Mr. Errol Ecker  
Box 59, 4403 Osborne Road  
Boring, MD 21020

RE: Item No. 495, Case No. 92-465-SPH  
Petitioner: Errol Ecker, et al  
Petition for Special Hearing

Dear Mr. Ecker:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 26th day of May, 1992

ARNOLD JABLON  
DIRECTOR

Received By:  
W. Carl Richards Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Errol Ecker, et al  
Petitioner's Attorney:

**MICROFILMED**

Development Review Committee Response Form  
Authorized signature: Dennis W. Kennedy Date: 6/15/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Stonegate at Patapsco (Azreal Property)			6-1-92
90476 ZON DED TE (Waiting for developer to submit plans first)			
COUNT 1			
✓ Keith M. And Patricia M. Lambert	496	6-2-92	NC
DED DEPRM RP STP TE			
COUNT 1			
✓ Samuel Frank And David Granat	494	6-8-92	NC
DED DEPRM RP STP TE			
✓ Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning			NC
DED DEPRM RP STP TE			
✓ William J. And Elizabeth G. Wachter	497		NC
DED DEPRM RP STP TE			
✓ Anita R. And James S. Henry	498		NC
DED DEPRM RP STP TE			
✓ Douglas R. Small	499		NC
DED DEPRM RP STP TE			
✓ Lyle L. Boltinghouse	500		NC
DED DEPRM RP STP TE			
✓ Glenn A. And Patricia A. Sudano	501		NC
DED DEPRM RP STP TE			
✓ Howard W. Dawson, Sr.	503		NC
DED DEPRM RP STP TE			
COUNT 8			

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DPW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature: Robert J. Family Date: 6/14/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Albert F. And Ann B. Nocar	478	N/C	6-1-92
DEPRM TE			
Maryland Marine Manufacturing Co., Inc.	479	N/C	
DEPRM TE			
Stonegate at Patapsco (Azreal Property)			
90476 ZON DED TE (Waiting for developer to submit plans first)			
COUNT 3			
Keith M. And Patricia M. Lambert	496	N/C	6-2-92
DED DEPRM RP STP TE			
COUNT 1			
Samuel Frank And David Granat	494	N/C	6-8-92
DED DEPRM RP STP TE			
Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning			
DED DEPRM RP STP TE			
William J. And Elizabeth G. Wachter	497	N/C	
DED DEPRM RP STP TE			
Anita R. And James S. Henry	498	N/C	
DED DEPRM RP STP TE			
Douglas R. Small	499	N/C	
DED DEPRM RP STP TE			
Lyle L. Boltinghouse	500	N/C	
DED DEPRM RP STP TE			
Glenn A. And Patricia A. Sudano	501	N/C	
DED DEPRM RP STP TE			

**MICROFILMED**

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and Development Management

DATE: June 10, 1992

FROM: Mr. J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item 495  
4403 Osborne Road  
Zoning Advisory Committee Meeting of June 8, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

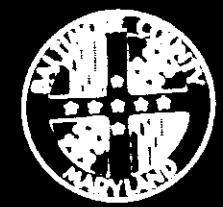
Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

LJP:sp

JABLON/S/TXTSBP

**MICROFILMED**





Pt Ex 3

County Council of Baltimore County  
Court House, Towson, Maryland 21204  
(410) 887-3198  
Fax (410) 887-5791

Bernice L. Marley  
First District  
Marilyn G. Mink  
Second District  
Charles A. Ruppelberger, III  
Third District  
Douglas B. Ray  
Fourth District

Vince Gardina  
Fifth District  
William A. Howard, IV  
Sixth District  
Donald C. Mason  
Seventh District  
Thomas J. Peddicord, Jr.  
Eighth District

July 10, 1992

Lawrence E. Schmidt  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

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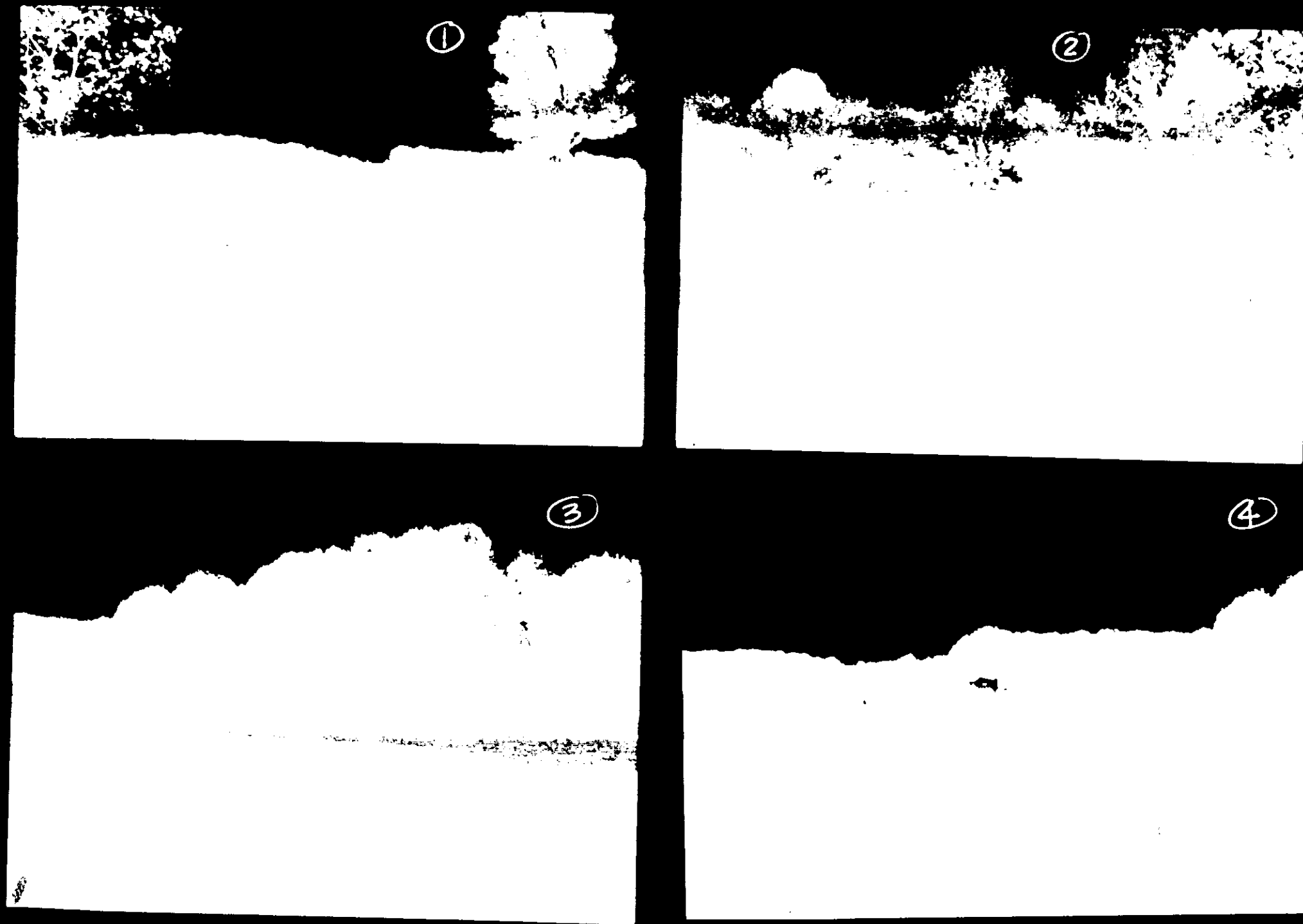
*Thomas J. Peddicord, Jr.*  
Thomas J. Peddicord, Jr.  
Legislative Counsel/Secretary

TJP:dp  
RS392/DAPNP  
cc: Errol A. Ecker

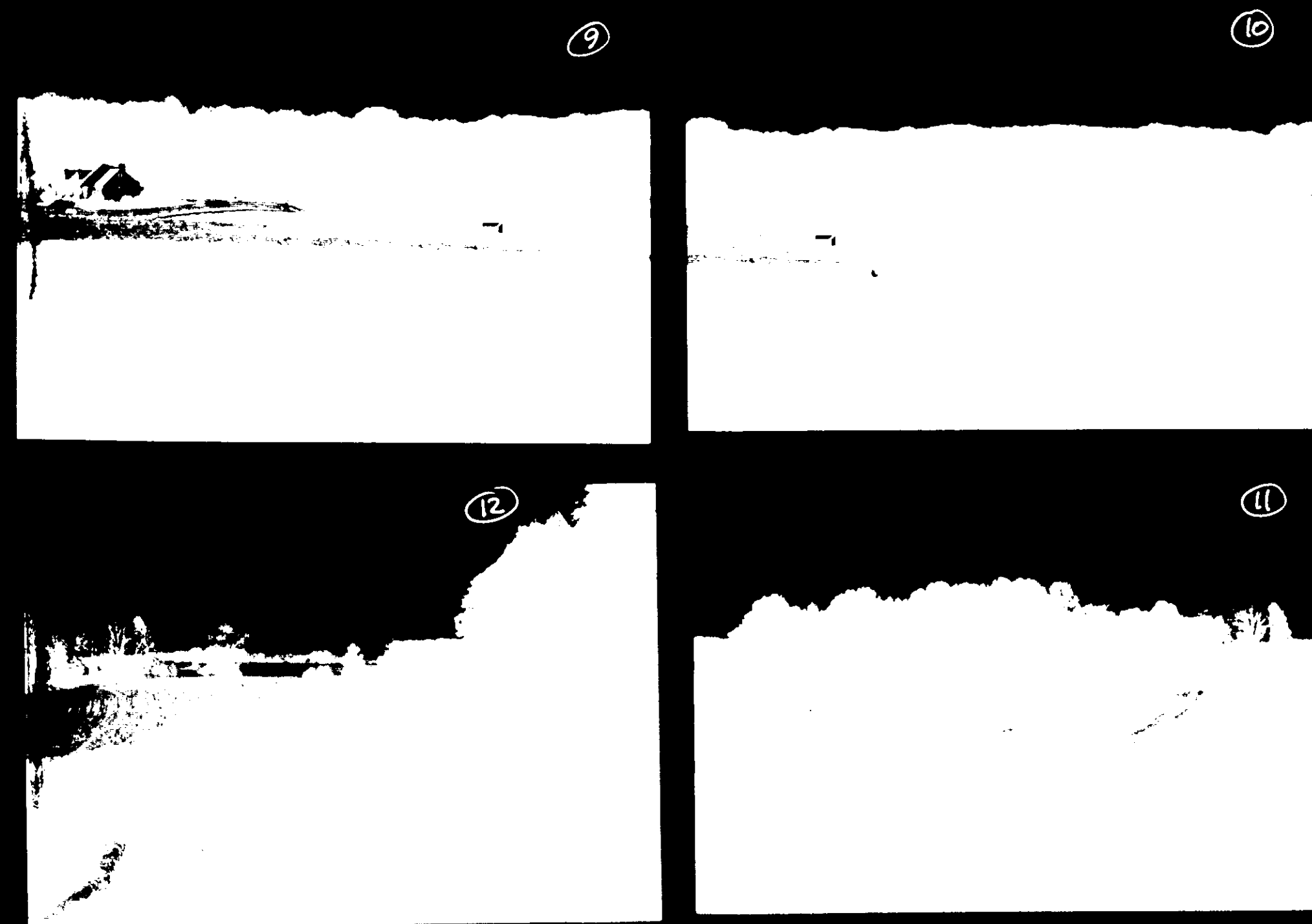
MICROFILMED

Pt Ex 2

92-465SPH

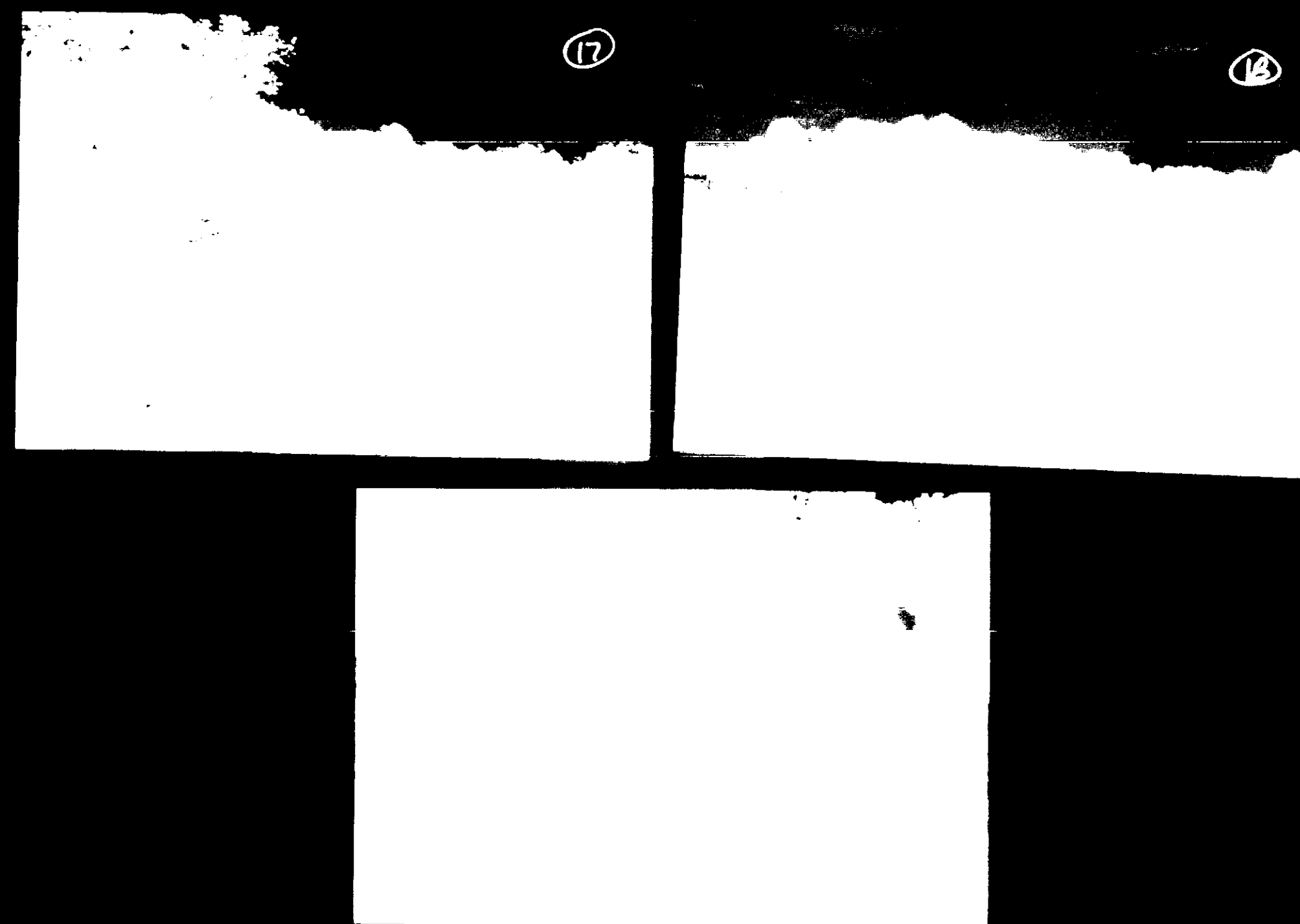


92-465SPH



Pt Ex 2

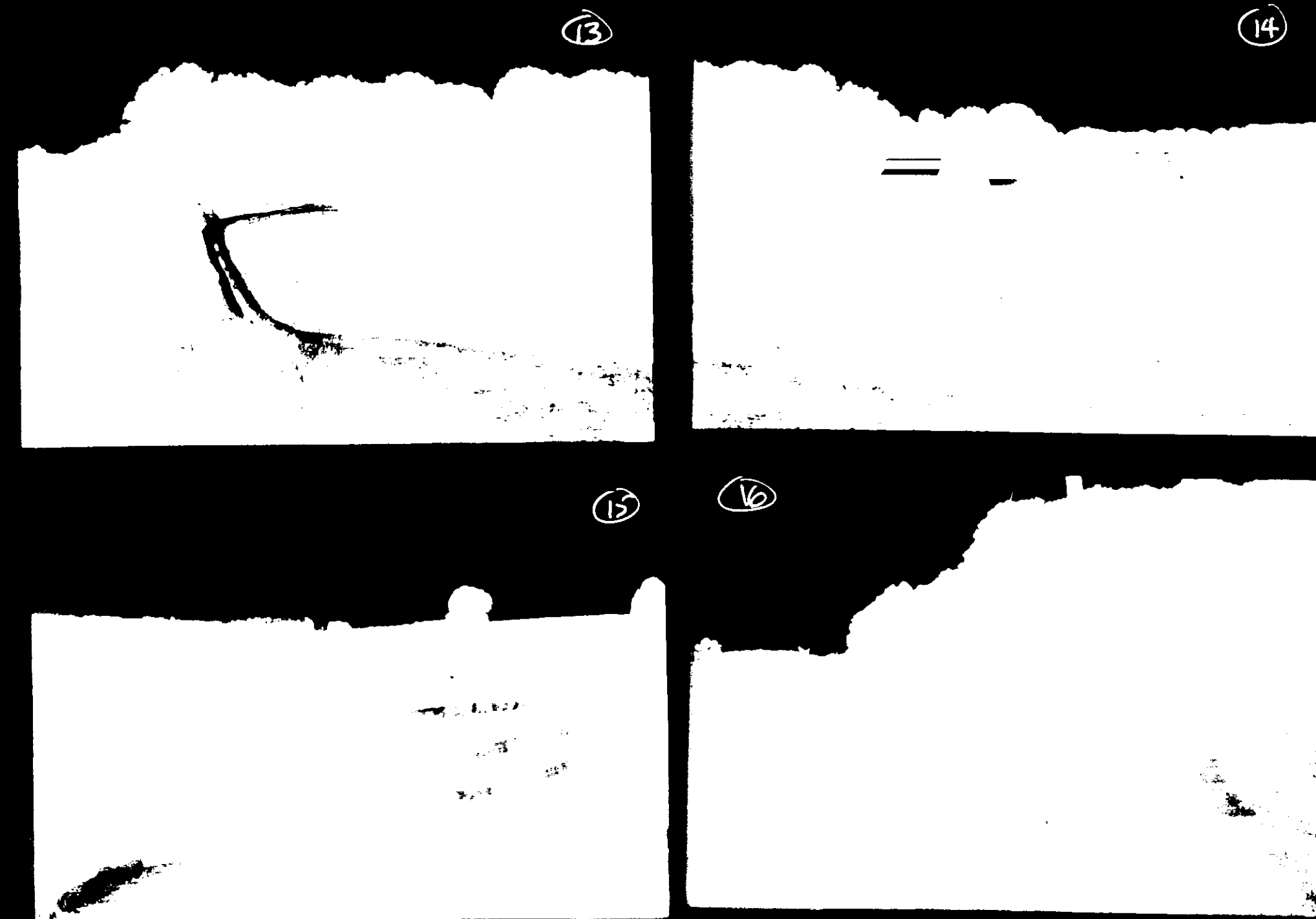
92-465SPH



92-465SPH



92-465SPH











CC-SW

1988 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 Oct. 13, 1988  
 Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

*Del. J. L. B.*  
 Chairman, County Council

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE 1" = 200' ±	LOCATION WEST OF DOVER CHURCH	SHEET N. W. 21-1
DATE OF PHOTOGRAPHY JANUARY 1986		

# 1495  
 Hds-597h-26  
 MICROFILMED



IN RE: PETITION FOR SPECIAL HEARING  
S/S Osborne Road, 3730' E of  
Old Hanover Road  
(4403 Osborne Road)  
4th Election District  
3rd Councilmanic District  
Errol Ecker, et al  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-465-SPH

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MICROFILMED

which would contain 11.29924 acres. The testimony and evidence presented was clear that the proposed transfer will not result in any additional density for the subject property and its purpose is for agricultural uses only.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of July, 1992 that the Petition for Special Hearing requesting approval of the non-density transfer of 8.27604 acres, more or less, zoned R.C. 2, to an existing, improved 3.0232 acre lot to create an 11.29924 acre lot, identified as Lots 2 and 2A, respectively on Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The relief granted herein is limited to the non-density transfer of 8.27604 acres to an improved 3.0232 acre lot, known as Lot 2, to create a new lot, identified as Lot 2A on Petitioner's Exhibit 1, containing 11.29924 acres total. The subject transfer will not result in any additional density units for Lot 2/2A and shall be for agricultural purposes only.

- 2 -

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11.29924 acres total. The subject transfer will not result in any additional density units for Lot 2/2A and shall be for agricultural purposes only.

3) Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Zoning Commissioner's office for review and inclusion in the case file.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 7/17/92  
By [Signature]

- 3 -

MICROFILMED

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

July 17, 1992

(410) 887-4396

Mr. Errol Ecker  
4403 Osborne Road  
Boring, Maryland 21020

RE: PETITION FOR SPECIAL HEARING  
S/S Osborne Road, 3730' E of Old Hanover Road  
(4403 Osborne Road)  
4th Election District - 3rd Councilmanic District  
Errol Ecker, et al - Petitioners  
Case No. 92-465-SPH

Dear Mr. Ecker:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Rodcliffe at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. William F. Fanning  
4601 Osborne Road, Boring, Md. 21020  
People's Counsel  
File

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

92-465-SPH

District 4th Date of Posting June 22, 1992  
Posted for: Special Hearing  
Petitioner: Errol Ecker  
Location of property: S/S Osborne Road, 3730' E of Old Hanover Road, 4403 Osborne Road  
Location of Sign: S/S Osborne Road at entrance road to subject property  
Remarks:  
Posted by: E.J. Gustin Date of return: June 24, 1992  
Number of Signs: 1

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#### CERTIFICATE OF PUBLICATION

TOWSON, MD. June 11, 1992

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 11, 1992

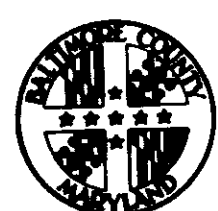
THE JEFFERSONIAN,

*S. Zake Olan*  
Publisher

MICROFILMED

92-465SPH

# 495



### Petition for Special Hearing

to the Zoning Commissioner of Baltimore County  
for the property located at 4403 OSBORNE RD  
which is presently zoned R-C-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve:

THE NON-DENSITY TRANSFER OF 8.27604 AC. TO AN EXISTING IMPROVED 3.0232 AC. LOT DESIGNATED AS LOT 2 ON ATTACHED PLAT TO CREATE AN 11.29924 AC. LOT DESIGNATED AS 2A ON ATTACHED PLAT

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lease:  
Errol Ecker  
Errol Ecker  
Errol Ecker  
Box 57, 4403 Osborne Rd  
Boring MD 21020

Legal Owner(s):  
Errol Ecker  
Errol Ecker  
Errol Ecker  
Box 57, 4403 Osborne Rd  
Boring MD 21020

Witness:  
William F. Fanning  
Ruth K. Fanning  
Box 57, 4403 Osborne Rd  
Boring MD 21020

Signature:  
[Signature]  
Date:  
7/17/92

Signature:  
[Signature]  
Date:  
7/17/92

MICROFILMED

92-465SPH

# 495

*M. L. Snyder*  
M. L. Snyder  
3911 Hanover Pike  
Hanover, Maryland 21074  
(801) 329-7744  
Description to Accompany Zoning Petition  
Lot 2 of "The Fanning Property"  
May 19, 1992

Beginning for the same on the southern right-of-way line of Osborne Road, 3730 feet east of Old Hanover Road, and running thence,

- 1.) by a line curving to the left, with a radius of 222.59 feet, for a distance of 9.14 feet, measured along the arc which arc is subtended by a chord bearing N 40° 08' 28" E 9.14 feet,
- 2.) N 38° 57' 55" E 11.58 feet,
- 3.) S 65° 39' 13" E 629.74 feet,
- 4.) N 36° 20' 40" E 932.58 feet,
- 5.) S 43° 46' 23" E 226.08 feet,
- 6.) S 44° 37' 10" E 471.765 feet,
- 7.) S 58° 07' 36" W 149.52 feet,
- 8.) S 65° 12' 26" W 23.58 feet,
- 9.) N 86° 27' 57" W 117.08 feet,
- 10.) S 25° 41' 53" W 113.76 feet,
- 11.) S 11° 47' 28" W 66.91 feet,
- 12.) S 35° 49' 46" W 205.06 feet,
- 13.) S 17° 50' 09" W 66.91 feet,
- 14.) S 15° 10' 03" W 131.08 feet,
- 15.) N 29° 41' 29" W 271.91 feet,
- 16.) N 76° 35' 29" W 406.60 feet,

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REMARKS: See Sec. of Surveyors • W. Va. Assoc. of Land Surveyors • A.C.S.M. • G.C.A.S.S.

92-465SPH

-2-

17.) N 65° 39' 13" W 651.34 feet to the place of beginning.

Containing 11.29924 Acres of land, more or less.



*Albert L. Snyder*

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ORDER RECEIVED FOR FILING  
Date 7/17/92  
By [Signature]



Baltimore County  
Zoning Commission  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

5/22/92

PUBLIC HEARING FEES

QTY	PRICE
030 -SPECIAL HEARING (CRL)	1 X \$50.00
TOTAL:	\$50.00

LAST NAME OF OWNER: FANNING

Please Make Check payable to Baltimore County  
BA CO08138AND5-27-92

Cashier Validation

**MICROFILMED**

Baltimore County  
Zoning Commission  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

7/23/92

92-465

PUBLIC HEARING FEES

QTY	PRICE
080 -POSTING SIGNS / ADVERTISING 1 X	\$60.40
TOTAL:	\$60.40

LAST NAME OF OWNER: FANNING / ECKER

Please Make Check payable to Baltimore County \$60.40  
BA CO10166AND7-24-92

Cashier Validation

**MICROFILMED**

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: 6-18-92

Errol Ecker  
Box 59, 4403 Osborne Road  
Boring, Maryland 21020

RE:  
CASE #92-465-SPH (Item 495)  
S/S Osborne Road, 3730' E of Old Hanover Road  
4403 Osborne Road  
4th Election District - 3rd Councilmanic  
Legal Owner of Lot #2: Errol Ecker  
Legal Owner of Lot #2A: William and Ruth Fanning  
Contract Purchaser: Errol Ecker  
HEARING: THURSDAY, JULY 16, 1992 at 10:00 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 60.40 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE HEARING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARNOLD JABLON  
DIRECTOR

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

JUNE 5, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #92-465-SPH (Item 495)  
S/S Osborne Road, 3730' E of Old Hanover Road  
4403 Osborne Road  
4th Election District - 3rd Councilmanic  
Legal Owner of Lot #2: Errol Ecker  
Legal Owner of Lot #2A: William and Ruth Fanning  
Contract Purchaser: Errol Ecker  
HEARING: THURSDAY, JULY 16, 1992 at 10:00 a.m. in Rm. 106, Office Building.

Special hearing to approve the non-density transfer of 8.27604 acres (more or less) to an existing improved 3.0232 (more or less) acre lot, designated as Lot #2 to create an 11.29924 (more or less) acre lot designated as Lot #2A.

Lawrence E. Schmidt  
Zoning Commissioner of Baltimore County

cc: Errol Ecker  
William and Ruth Fanning

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

**MICROFILMED**

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

July 6, 1992

Mr. Errol Ecker  
Box 59, 4403 Osborne Road  
Boring, MD 21020

RE: Item No. 495, Case No. 92-465-SPH  
Petitioner: Errol Ecker, et al  
Petition for Special Hearing

Dear Mr. Ecker:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

**MICROFILMED**

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 26th day of May, 1992

ARNOLD JABLON  
DIRECTOR

Received By:  
W. Carl Richards Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Errol Ecker, et al  
Petitioner's Attorney:

**MICROFILMED**

Development Review Committee Response Form  
Authorized signature: Dennis W. Kennedy Date: 6/15/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Stonegate at Patapsco (Azreal Property)			6-1-92
90476 ZON DED TE (Waiting for developer to submit plans first)			
COUNT 1			
✓ Keith M. And Patricia M. Lambert	496	6-2-92	NC
DED DEPRM RP STP TE			
COUNT 1			
✓ Samuel Frank And David Granat	494	6-8-92	NC
DED DEPRM RP STP TE			
✓ Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning			NC
DED DEPRM RP STP TE			
✓ William J. And Elizabeth G. Wachter	497		NC
DED DEPRM RP STP TE			
✓ Anita R. And James S. Henry	498		NC
DED DEPRM RP STP TE			
✓ Douglas R. Small	499		NC
DED DEPRM RP STP TE			
✓ Lyle L. Boltinghouse	500		NC
DED DEPRM RP STP TE			
✓ Glenn A. And Patricia A. Sudano	501		NC
DED DEPRM RP STP TE			
✓ Howard W. Dawson, Sr.	503		NC
DED DEPRM RP STP TE			
COUNT 8			

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DPW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature: Robert J. Family Date: 6/14/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Albert F. And Ann B. Nocar	478	N/C	6-1-92
DEPRM TE			
Maryland Marine Manufacturing Co., Inc.	479	N/C	
DEPRM TE			
Stonegate at Patapsco (Azreal Property)			
90476 ZON DED TE (Waiting for developer to submit plans first)			
COUNT 3			
Keith M. And Patricia M. Lambert	496	N/C	6-2-92
DED DEPRM RP STP TE			
COUNT 1			
Samuel Frank And David Granat	494	N/C	6-8-92
DED DEPRM RP STP TE			
Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning			
DED DEPRM RP STP TE			
William J. And Elizabeth G. Wachter	497	N/C	
DED DEPRM RP STP TE			
Anita R. And James S. Henry	498	N/C	
DED DEPRM RP STP TE			
Douglas R. Small	499	N/C	
DED DEPRM RP STP TE			
Lyle L. Boltinghouse	500	N/C	
DED DEPRM RP STP TE			
Glenn A. And Patricia A. Sudano	501	N/C	
DED DEPRM RP STP TE			

**MICROFILMED**

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and Development Management

DATE: June 10, 1992

FROM: Mr. J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item 495  
4403 Osborne Road  
Zoning Advisory Committee Meeting of June 8, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

LJP:sp

JABLON/S/TXTSBP

**MICROFILMED**



Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

JUNE 3, 1992 (410) 867-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: ERROL ECKER  
Location: #403 OSBORNE ROAD  
Item No.: 495 (JJS) Zoning Agenda: JUNE 8, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: East Jerry Snyder Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

RECEIVED  
JUN 4 1992  
ZONING OFFICE  
MICROFILMED

Project Name: Development Review Committee Response Date: 6/15/92  
Authorized signature: [Signature]

File Number	Waiver Number	Zoning Issue	Meeting Date
/ Keith M. And Patricia M. Lambert	496	6-2-92	
DED DEPRM RP STP TE <u>No Comment</u>			
COUNT 1			
/ Samuel Frank And David Granat	494	6-8-92	
DED DEPRM RP STP TE <u>No Comment</u>			
Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning			
DED DEPRM RP STP TE <u>No Comment</u>			
/ William J. And Elizabeth G. Wachter	497		
DED DEPRM RP STP TE <u>No Comment</u>			
/ Anita R. And James S. Henry	498		
DED DEPRM RP STP TE <u>No Comment</u>			
/ Douglas R. Small	499		
DED DEPRM RP STP TE <u>No Comment</u>			
/ Lyle L. Boltinghouse	500		
DED DEPRM RP STP TE <u>No Comment</u>			
/ Glenn A. And Patricia A. Sudano	501		
DED DEPRM RP STP TE <u>No Comment</u>			
/ Howard W. Dawson, Sr.	502		
DED DEPRM RP STP TE <u>No Comment</u>			
COUNT 8			
FINAL TOTALS			
COUNT 9			
*** END OF REPORT ***			

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92-465-SPH 7-16-92

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

DATE: July 13, 1992

SUBJECT: William Fanning Property

INFORMATION:  
Item Number: 483

Petitioner: Errol Ecker

Property Size: 11.29

Zoning: RC 2

Requested Action: Special Hearing

Hearing Date: 7/13/92

SUMMARY OF RECOMMENDATIONS:  
The petitioner is requesting a non-density transfer of 8.27 acres to an existing improved 3.02 acre lot, designated as lot 2, to create an 11.29 acre lot which would be designated as lot 2A.

Since there is no density being created, the Office of Planning and Zoning recommends APPROVAL of the petitioner's request.

Prepared by: Francis Money

Division Chief: Eric McDaniel

FM/EMD:rdn

RECEIVED  
JUL 21 1992  
ZONING OFFICE  
MICROFILMED

RECEIVED  
JUL 23 1992  
By: jmb

BALTIMORE OFFICE  
MERCANTILE BANK & TRUST BUILDING  
2 HOBSON PLAZA  
9TH FLOOR  
BALTIMORE, MARYLAND 21201  
410-538-3700  
TELECOPIER 410-535-9050

LAW OFFICES  
LEVIN & CANN  
A PROFESSIONAL ASSOCIATION  
305 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
410-321-0600  
TELECOPIER 410-296-2801

KATHRYN T. MAY

July 22, 1992

HAND DELIVERED

Mr. Timothy Kotroco  
Deputy Zoning Commissioner  
400 Washington Avenue  
Suite 115  
Towson, Maryland 21204

RE: Revised Site Plan  
Case #92-464-A

Dear Mr. Kotroco:

In accordance with your Order dated July 17, 1992, enclosed please find a revised site plan incorporating the modifications as to the proposed sign #2 for the Subaru dealership.

Sincerely,  
Kathryn T. May  
Kathryn T. May

KTM:bju  
enc.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
LEGISLATIVE SESSION 1992, LEGISLATIVE DAY NO. 15  
RESOLUTION NO. 53-92

MR. C. A. DUTCH RUPPERSBERGER, III, COUNCILMAN

BY THE COUNTY COUNCIL, JULY 6, 1992

A RESOLUTION concerning the public disclosure of Errol A. Ecker, an employee of the Department of Permits and Licenses.

WHEREAS, Errol A. Ecker, an employee of Baltimore County, has applied to the Zoning Commissioner for a non-density transfer of land with regard to the property located at 4403 Osbourne Road, in Boring, in the Third Councilmanic District; and

WHEREAS, this Resolution is intended to provide full disclosure under Section 26-3(d) of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the application for non-density transfer filed by Errol A. Ecker does not contravene the public welfare and is hereby authorized.

RES92/RES92

MICROFILMED

Mr. L. Snyder  
Surveyor  
1911 Hanover Pike  
Hampstead, Maryland 21074  
(301) 374-7744

92-465-SPH

March 25, 1992

Mr. Arnold Jablon  
Baltimore County Zoning Office  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Zoning Verification and Approval  
The Fanning Property  
4601 Osbourne Road  
Boring, Maryland 21020

Dear Sir,

On March 25, 1992, Errol A. Ecker, an O. Baublitz and L. Russell Osborn, Co-executors, of the Estate of William F. Fanning, determined by 1971 survey to be 106.975 Acres. (Deed reference: Book 142, Page 145)

On March 25, 1992, Errol A. Ecker, at the same time offering for dedication Lot 2, 11.29 Acres of land and Lot 2A, 7.07 Acres of land for dedication.

On March 25, 1992, Errol A. Ecker, at the same time offering for dedication Lot 2, 11.29 Acres of land and Lot 2A, 7.07 Acres of land for dedication.

By the proposed plan #2 would be released by 8.27604 Acres to a total of 11.29604 Acres.

The remainder of the Farm would then be 94.55 Acres.

Sincerely yours,  
Albert L. Snyder  
Albert L. Snyder

MICROFILMED

92-465-SPH

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<u>Errol Ecker</u>	<u>Box 54, Boring, MD 21020</u>
<u>Ruth K. Fanning</u>	<u>Box 22, Boring, Md. 21020</u>
<u>William Fanning</u>	<u>Box 11, Boring, Md. 21020</u>

THE WILLIAM FANNING PROPERTY  
TITLE SECTION  
1" = 400'

Lot 142  
E.L.K. JR. 45/25  
OCTOBER 9, 1979  
LOT 1 = 20.00 AC.  
LOT 2 = 11.29 AC.

Lot 4  
8029/145  
Nov. 9, 1988  
50.00 AC.

WILLIAM F. FANNING  
RUTH K. FANNING  
O.T.S. 5147/677  
FARM REMAINDER  
94.55 AC.

A. L. SNYDER  
SURVEYOR  
1911 HANOVER PIKE  
HAMPSTEAD, MARYLAND 21074  
(301) 374-7744

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